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The old soldier fades

It would be foolish to pretend that, by inducing Gen. William C. Westmoreland to drop his \$120 million libel suit against the network, CBS has not come off quite well, considering. The general and his backers might have prevailed, though victory seemed more and more uncertain as the trial progressed, but they were running out of cash and decided to quit.

It was a prudent decision, but disappointing. Perceiving flagrant bias among the media, many Americans had banked on the general to give the network its comeuppance. They can take little pleasure from yesterday's capitulation. Far from getting its comeuppance, CBS extracted from Gen. Westmoreland a humiliating affirmation of his respect for "the long and distinguished journalistic tradition of CBS."

What went wrong? Gen. Westmoreland's memory, for one thing. His recollection of crucial events differs markedly from the recollections of several close associates — men whose integrity is beyond question. Since it was on precisely such accounts as these that CBS had built its documentary, their reiteration on the witness stand effectively demolished the general's case.

This being easily predictable, why did Gen. Westmoreland sue? Here it may be useful to remember that Gen. Westmoreland is

70 years old. In preparing its TV program, the burden of which was that Gen. Westmoreland falsified reports on the enemy's troop strength, CBS had pressed the general about events and conversations that had occurred 15 years before. In 15 years, an old soldier's memory may just fade away.

Embarrassing discrepancies resulted, as CBS lawyers were able to show. When both Gen. Westmoreland's former intelligence chief and the man in charge of preparing "order of battle" estimates swore that the general had fudged enemy troop strength for fear of lessening political support for the nasty little war he was obliged to fight, there went the lawsuit.

In retrospect, it is clear that the high point for Gen. Westmoreland came two years ago, with publication of the Benjamin Report. This was an internal CBS document, pried loose over the network's fierce objections, certifying dirty tricks in the preparation of the Westmoreland documentary. He could have taken this as vindication, but generals are taught to press on. He pressed on, as he had in Vietnam, and lost.

Gen. Westmoreland is a man of decency and courage who deserves to be treated gently when the story of this second no-win war is told.